

Summary of Comments on the White Mesa Mill included in the Dewey-Burdock public comments

From the Oglala Sioux Tribe (Addendum to Letter)

VI. INADEQUATE ANALYSIS OF DISPOSAL OF SOLID 11E2 BYPRODUCT MATERIAL

- EPA appears to have failed to compare the impacts of transporting and disposing of the solid 11e2 Byproduct Material in Utah against any other alternative disposal site.
- Further, EPA's cumulative impact report fails to address the cumulative impact or alternatives to Utah licensing the White Mesa Mill as the disposal facility for the ISL wastes.
- A proper review by EPA must ensure that the impacts and alternatives of creation, storage, and disposal of mill tailings – aka 11e2 Byproduct Material - are fully analyzed and addressed.
- Permanent disposal of solid 11e2 Byproduct material is a central feature of the proposed mining operation and a competent review must include an analysis of the impacts or alternatives to shipment and disposal at White Mesa.
- EPA identifies no other site that is currently licensed to dispose of 11e2 Byproduct Material, implying that no other licensed facility exists in the United States that could accept the Powertech 11e2 Byproduct Material.
- EPA has a duty to provide specific information, analysis, and alternatives regarding this major feature of an ISL operation in order to allow the Tribe, the Ute Mountain Ute Tribe, the public, and other government decisionmakers to conduct a meaningful analysis of the full scope of environmental impacts involved with Powertech's proposal.
- Upon selecting the White Mesa Mill as the proposed destination for the waste from this proposal and the region, as the EPA documentation has done, EPA must follow through with the necessary analysis.
- The cumulative impacts report lacks analysis of disposal alternatives, including, but not limited to, access, geology, hydrogeology, quantitative impacts upon water supplies for domestic use, livestock, agriculture, non-domesticated plants and animals, and qualitative on-going and subsequent impacts to water supplies due to releases of chemicals into the surface, groundwater and aquifers flowing through the disposal site.
- Without such an analysis, EPA, the public, other governmental entities, and the Tribe have no basis to identify and assess alternatives to the license application and find ways to avoid or mitigate possible adverse environmental impacts of the proposed mine.
- [these comments are followed by the statement *EPA must provide extra scrutiny to the packaging and transport of these wastes* and includes a list of violations by Smith Ranch related to the shipment of 11e2 Byproduct Material]

OST Initial Opening Brief for DC Circuit Court of Appeals Case against the NRC

- The Dewey-Burdock FSEIS designates the White Mesa Uranium Mill near the White Mesa Ute Community in Utah as the site for disposal of more than 300 cubic yards of radioactive 11e2 byproduct wastes generated annually by at the proposed Powertech facility and other ISL facilities in the region.
- No NRC NEPA document addresses the cumulative impacts or alternative to using the White Mesa Mill as the disposal facility for ISR radioactive wastes.
- The Dewey-Burdock FSEIS fails to provide a meaningful review of foreseeable impacts of the wastes by merely stating that permanent disposal will occur in conformance with applicable laws, but without analysis of the applicable criteria of regulations applicable to 11e2 byproduct material disposal.
- Permanent disposal of solid 11e2 byproduct material is a central feature of the modern Uranium Mill Tailings Radiation Control Act licensing regime under which Powertech seeks to operate its ISL facility.
- The FSEIS firmly identifies the White Mesa Mill as the repository for its waste, and the FSEIS must analyze all impacts and alternatives involved with disposing of wastes created at an ISL facility, including the permanent disposal of 11e2 byproduct materials generated at the facility.